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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/445,085

Applicant(s)

SAKAO ET AL. *AD*

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26,29-35,40-42 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26,29-35,40-42 and 47-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 01 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26, 29-35, 40-42, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 6,199,076) in view of Schulhof et al (US Patent No. 5,841,979).

3. Regarding claims 1-26, 29-35, 40-42, and 47-49, Logan et al teaches processing received compressed data to enable output of signals with a plurality of output means as converting received digital signals to analog for use with a speaker (col. 4, lines 55-59) and storing the received data on a replaceable media (col. 7, lines 63-66)

decoding the compressed data as a stereo codec at col. 4, lines 55-56

compressed data of a plurality of contents at col. 5, lines 55-col. 6, lines 5 in which Logan teaches that the compressed data consists of audio programs, announcements, text, image, advertising segments and program catalog information and col. 44, lines 5-48 in which Logan teaches of Audio Programming with HTML which allows for interactively browsing audio programs with synchronized images, conversion of HTML to synthetic speech, and viewing and printing of narrative text

selecting contents using a graphical user interface at col. 7, lines 26-34

receiving compressed digital data and additional information at col. 5, lines 55-col. 6, lines 5, wherein the additional information includes images (col. 6, lines 1-3; col. 5, lines 55-59), character information (col. 4, lines 46-50, col. 5, line 55 – col. 6, line 5), compressed tunes (col. 5, lines 55-63) and the audio data and additional information are distributed through digital broadcast (col. 40, lines 18-21)

storing information about the contents of the selection or down-loading at Figure 1, element 109 and Figure 4, elements 333 and 350

means for transmitting the information stored at Figure 4, elements 313, 315 and 317 and col. 27, line 40 continuing to col. 28, line 65.

Transmitting stored information to a destination for billing purposes and stored information to a different destination at col. 7, lines 14-17 and col. 27, line 40 continuing to 29, line 7.

Logan et al do not specifically teach an external storage device or outputting the received compressed data in the compressed state to the storage means. Refer to Schulhof et al, who teach a system of enhanced delivery of audio data which discloses digital audio file receipt, storage, digital-analog conversion and playback (col.2, line 66- col. 3, line 1), allows for transmission via subscription/on-demand (col. 3, line 59), allows for transmission via broadcast distribution (col. 4, line 64-67), plurality of compression algorithms (col. 5, lines 10-26), external storage (col. 6, lines 4-6), digital text (col. 6, lines 32-33), storing the received compressed data in the compressed format (Abstract, col. 2, lines 57-63). Schulhof et al teach that the system allows for receipt and storage of audio files in compressed formats that can store several hours of normal audio programming in a medium of modest size (col. 2, lines 57-59).

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Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the audio program player of Logan et al, to implement an external storage device and outputting the received compressed data in the compressed state to the storage means, as taught by Schulhof et al, for the purpose of allowing for receipt and storage of audio files in compressed formats that can store several hours of normal audio programming in a medium of modest size, as suggested by Schulhof et al .

#### ***Response to Arguments***

4. Applicant's arguments filed July 1, 2002 have been fully considered but they are not persuasive.

5. Regarding claims 1, 11, 20, 29, and 49 applicant argues Logan nor Schulhof, singly or in combination, describe or suggest "control means for carrying out control so that an output signal is outputted from one of the plurality of output means in accordance with a connection state between each output means and an external storage device." The Examiner disagrees and argues that at col. 7, lines 63-66, Logan teaches that downloaded files from the host sever may be stored. Further, Schulhof discloses at col. 5, line 61 to col. 6, line 3, received audio files are downloaded and recorded; at col. 8, lines 22-25 Schulhof discloses a microprocessor controls storage and data retrieval functions; at col. 10, lines 8-19, Schulhof discloses a user module controls the storing process in a digital data storage device. Thus, the systems allowing for storage of received data necessarily implies that the storage device must be connected to the system (which reads on "connection state") and that a means of control/process indication must be achieved to initiate the data storing process.

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6. Regarding claims 47 and 48, applicant argues that the combination of Logan and Schulhof fail to teach “transmitting the stored down-loaded record information to a first destination for use in charging a user for the downloaded content; and transmitting the stored information to a second destination different from the first destination. In response to applicant’s arguments, applicant is referred to col. 7, lines 14-17, in which Logan discloses that usage data is uploaded and stored. At col. 27, line 40 continuing to 29, line 7, in which Logan discloses subscriber usage records are maintained for accounting purposes and that the usage data can be used to generate reports that are provided to the content providers.

7. Regarding claim 40, applicant argues Logan and Schulof, singly or in combination, do not teach two output signals such that one output signal is used for monitoring while the other is stored. The Examiner disagrees and argues that Logan teaches receiving compressed data, decompressing the data and providing a sound card for digital-analog conversion for output to a speaker (which reads on “output signal for monitoring”). Schulhof teaches receiving audio data and storing thereof (which reads on “output signal for storing”). Thus, the combination of Logan and Schulof provides for an output signal for monitoring (as taught by Logan) and an output signal for storing (as provided for by Schulhof).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

AAA  
September 30, 2002



TĀLVALDIS IVARS ŠMITS  
PRIMARY EXAMINER